



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 259 OF 2023

Sambhaji Ishwer Chaugule
Age : 38 Years, Occupation : Wireman,
R/o. Hatogi Road,
Near Sahara Rickshaw Stop, Tilak Nagar,
Taluka and District Solapur. ... Applicant

Versus

Sarika Sambhaji Chaugule
Age : 34 years, Occupation Household,
R/o. At present C/o. Govind Sitaram Kale,
Bypass Road Sanjana Chowk,
Taluka and District Osmanabad. ... Respondent

.....
Ms. Mayuri G. Kasturkar, Advocate for the Applicant.
Mr. Jitendra Jain, Advocate for the Respondent (appointed).
.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 05.03.2025

Pronounced on : 13.03.2025

ORDER :

1. The revisionist is taking exception to the judgment and order dated 26.06.2023 passed by learned Judge, Family Court, Osmanabad in Petition E.No.39 of 2021, thereby partly allowing the said application and directing the present revisionist to pay maintenance of Rs.1,000/- per month to the present respondent.

2. Learned counsel for the revisionist submits that revisionist and respondent are husband and wife. Their marriage was solemnized on 15.06.2020 and they do not have any child out of the said wedlock. Learned counsel further submits that since beginning of the marriage, respondent wife did not cohabit properly and used to quarrel, humiliate and abuse parents of revisionist and she repeatedly used to go to her parents' place. That, father of respondent wife took her to their house and till date she has not returned. That, she is residing separately since 20.08.2020. That, she filed false complaint with the women's grievance redressed forum at Osmanabad. She also filed maintenance application under Section 125 of Cr.P.C. before learned Family Court at Osmanabad. That, in the said proceedings, revisionist filed his say at Exhibit 9. However, learned Judge of the Family Court passed the order impugned herein, which, according to him is arbitrary, perverse and illegal. That, respondent wife willfully deserted revisionist and inspite of efforts being made, she did not turn up for cohabitation. That, revisionist is doing electric work and barely earning bread and butter for himself and his parents. That, all these aspects have not been taken into consideration by the learned Judge of the Family Court while passing the impugned order. Hence, he seeks interference.

3. Learned counsel for the respondent, while supporting the impugned judgment, submits that, after marriage, there was proper treatment for one month only. Thereafter, revisionist and his family members started harassing respondent wife by suspecting her character. That, they used to abuse, beat and insult her and were not providing food to her. That, they also raised demand of Rs.3,00,000/- for shop of the revisionist husband and were harassing her on that count. Therefore, her father brought her to the parental house with permission of revisionist husband. However, thereafter, nobody from his side asked her father to send her back. When her father left her at Solapur, again demand of Rs.3,00,000/- was raised and she was harassed for its non-fulfillment. They even beat her and took her gold ornaments. Fed up of the same, she called her father. That, when father came at Solapur, revisionist and his family members quarreled with him and drove away both, father as well as respondent wife, out of the house. That, since then, respondent wife is residing separately at her parents' place. That, respondent-wife is unable to maintain herself. That, considering all the aspects, learned trial Judge has awarded maintenance. He therefore prays to reject the application.

4. Heard. Husband hereby questions order passed by learned Judge, Family Court, Osmanabad partly allowing maintenance claim

set up by respondent wife. Respondent wife came with a case that, after marriage in June 2020, there was maltreatment coupled with demand of Rs.3,00,000/- for electric shop. That, husband dropped her at her father's place on account of failure to meet the demand. That, mediation attempted also failed. As harassment continued and it became unbearable, respondent's father was constrained to take respondent back. As she was neglected from being maintained, she set up claim on the ground that he has sufficient means but he failed to provide maintenance.

5. In trial court, revisionist husband seems to have caused appearance by filing say Exhibit 9 refuting the contentions and allegations raised in the application and stating that, on the contrary, there are false allegations and repeated implication, and wife herself refusing to come to cohabit inspite of his efforts.

6. Here, after considering the above submissions and on going through the papers, and more particularly the impugned order, it is appearing that there is volley of allegations against each other and admittedly, parties are residing separately. Husband does not dispute that his source of earning is electric work. He also does not deny that wife resides with her parents. There is nothing from his side to

demonstrate that she is able and has her own distinct source of income after having separated. Law is fairly settled that when there is failure and neglect to maintain, there is a moral obligation on husband to provide for the basic needs of the wife. There was no proof of income or earnings of respondent wife. Assigning sound reason in para 34, learned trial court has awarded maintenance of Rs.1,000/- per month, which is bare minimum requirement for one's sustenance. No patent illegality committed by trial court is brought to the notice of this Court. No case being made for interference, I proceed to pass the following order :

ORDER

- I. The Criminal Revision Application is hereby dismissed.
- II. Fees of the counsel appointed to represent the respondent is to be paid by the High Court Legal Services Sub-Committee, Aurangabad as per Rules.

[ABHAY S. WAGHWASE, J.]